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8 **UNITED STATES DISTRICT COURT**

9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 RIC (SAN LEANDRO) LLC, a California
12 limited liability company

Case No. 3:23-cv-01501-CRB

13 Plaintiff,

14 v.

15 BRUCE DOUGLAS MILLER, an
16 individual and Wyoming resident,
17 PATRICK JOHN KOENTGES, an
individual and Colorado resident,
KENNETH EDWARD GREER, an
18 individual and Colorado resident, GREEN
SAGE, LLC, a Colorado limited liability
19 company,

**APPLICATION FOR DEFAULT
JUDGMENT AS TO DEFENDANT
BRUCE DOUGLAS MILLER**

Hon. Charles R. Breyer

20 Defendants.

1 **TO THE CLERK OF THE ABOVE-CAPTIONED COURT:**

2 Plaintiff RIC (San Leandro) LLC, (“**Plaintiff**”) hereby requests that default
3 judgment be entered against Defendant Bruce Douglas Miller (“**Miller**”) pursuant to Rule
4 55(b)(1) of the Federal Rules of Civil Procedure (“**FRCP**”).

5 **Entry of Clerk’s Default:** Service by publication, pursuant to the Court’s
6 authorization provided in its August 28, 2023 Order (Docket No. 28, as clarified in Docket
7 No. 29) was completed on or about October 12, 2023, and evidenced by those Service by
8 Publication statements Plaintiff filed at Docket Nos. 30-34. On October 31, 2023, Plaintiff
9 filed a Motion for Entry of Default Against Miller (Docket No. 39). The Clerk issued a
10 Notice of Entry of Default as to Miller on November 1, 2023 (Docket No. 41).

11 **Evidence Supporting Clerk’s Judgment:** Plaintiff now brings this Application,
12 pursuant to FRCP 55(b)(1), seeking default judgment as against Miller. The declaration of
13 Wesley Roitman, filed concurrently herewith, establishes proof of a sum certain due and
14 owing to Plaintiff by Miller totaling \$51,507,018.29, pursuant to the parties’ Guaranty
15 Agreement (defined in the Complaint). The requested amount is properly awardable by the
16 Clerk, pursuant to FRCP 55(b)(1). Plaintiff asserts, on information and belief, that Miller is
17 not in military service and are neither minors nor incompetent.

18 **Judgment To Be Entered:** Plaintiff requests that judgment be entered awarding
19 damages to Plaintiff in the total amount of \$51,507,018.29. Prejudgment interest is
20 authorized here pursuant to Section 7.2(b) of the Loan Agreement (defined in the
21 Complaint), guaranteed by Greer. Plaintiff also requests that the judgment entered by the
22 Clerk include an award of pre-judgment interest in the total amount of \$6,158,603.05.
23 Accordingly, Plaintiff requests that the Clerk enter judgment in the total amount of
24 \$57,665,621.34, which amount does not include attorneys’ fees.

25 Dated: January 5, 2024

BRYAN CAVE LEIGHTON PAISNER LLP

26 By: H. Mark Mersel

27 H. Mark Mersel

28 Attorneys for Plaintiff

RIC (SAN LEANDRO) LLC